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California

Forms & Instructions

3500

2008

Exemption Application Booklet

Members of the Franchise Tax Board

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This booklet contains:
FTB 3500, Exemption Application

Use form FTB 3500 to apply for exemption from California income or franchise taxes.



**STATE OF CALIFORNIA
FRANCHISE TAX BOARD**

Instructions for Form FTB 3500

Exemption Application

References in these instructions are to the Internal Revenue Code (IRC) as of **January 1, 2005**, and to the California Revenue and Taxation Code (R&TC).

General Information

In general, California law conforms to the Internal Revenue Code (IRC) as of January 2005. However, there are continuing differences between California and federal law. When California conforms to federal tax law changes, we do not always adopt all of the changes made at the federal level. For more information, go to our website at ftb.ca.gov and search for conformity.

Use the most current version of the form FTB 3500, Exemption Application. The use of a prior version of the form may delay the processing of your exemption application.

All corporations and unincorporated associations, even if organized on a nonprofit basis, are subject to California corporation franchise or income tax until the Franchise Tax Board (FTB) grants tax-exempt status, to the organization. The fact that the organization is exempt from federal income tax does not automatically exempt it from California tax. Nonprofit does **not** mean tax-exempt.

To be exempt from corporate franchise or income tax, an organization must file form FTB 3500, Exemption Application with all required documentation and the FTB must grant the exemption. Until the exemption is granted, the organization remains taxable and the requirement to file a state income return continues. Before the FTB grants tax-exempt status, the FTB may require the organization to file exempt returns for the period of time the exemption is requested.

Because California and federal laws are similar in this area, it is recommended that the organization obtain federal exemption application forms and draft articles for both the state and federal applications at the same time. In some cases, California may require that the organization obtain a federal determination of its tax-exempt status prior to issuing a state exemption determination letter.

If the organization has obtained a federal exemption, under Internal Revenue Code Section 501(c)(3), the organization may file form FTB 3500A, Submission of Exemption Request. Go to our website ftb.ca.gov and search for **Form 3500A**.

An unincorporated association that has tax-exempt status must reapply for exemption if it incorporates.

Disclosure of Application Materials

Until the FTB grants tax-exempt status, the application and all associated documentation is confidential. The FTB may not discuss the application with any unauthorized person. However, once exemption is granted, the application, and supporting documents, shall be open to public inspection.

Upon the organization's request, public disclosure of documents relating to any trade secrets, patents, process, style of work, or apparatus may be withheld if the FTB determines that disclosure would adversely affect the organization. Additionally, public disclosure of documents may also be withheld if the disclosure would adversely affect national defense.

Acknowledging Federal Exempt Status

Recently enacted California legislation allows federally tax exempt 501(c)(3) organizations to be exempt from state income taxes after submitting a form FTB 3500A and a federal determination letter to the FTB.

The new legislation also requires the organization to notify the FTB when the Internal Revenue Service revokes the Section 501(c)(3) federal tax-exempt status and also permits the FTB to revoke the tax-exempt status if the entity fails to meet certain state provisions governing exempt organizations.

To establish state tax-exempt status using the federal determination letter under Internal Revenue Code Section 501(c)(3), file the form FTB 3500A. Go to our website at ftb.ca.gov and search for **Form 3500A**.

California Registered Domestic Partners

For California purposes, Registered Domestic Partners (RDPs) have the same legal benefits, protections and responsibilities as married couples, unless otherwise specified. For purposes of California income tax, references to a spouse, husband, or a wife also refer to a California registered domestic partner, unless otherwise specified. When we use the initials RDP they refer

to both a California registered domestic "partner" and a California registered domestic "partnership," as applicable. For more information on RDPs, get FTB Pub. 737, Tax Information for Registered Domestic Partners.

A Purpose

The purpose of form FTB 3500 is to apply for tax-exempt status from California franchise and income tax. If the organization provides all answers and documents required in question 1 through question 7i and the appropriate information required on Side 2 through Side 7, the FTB will be able to make a determination as to whether or not the organization qualifies for exemption. If the organization does not furnish all required information, the FTB will have to request the additional information resulting in a delay in the determination, or denial of the application.

B When, What, and Where to File

To apply for tax-exempt status, submit form FTB 3500 at least 90 calendar days before exemption is needed.

The organization must include:

1. A completed form FTB 3500, with an original signature of an authorized individual, such as:
 - An elected officer
 - A director
 - An authorized representative
 - A trustee (if the organization is a trust)
2. An application fee of \$25. Make the check or money order payable to the "Franchise Tax Board." Make all checks or money orders payable in U.S. dollars and drawn against a U.S. financial institution.
3. The information and documents requested on Side 2, item 7a through item 7i.
4. The information and documents required on Side 2, item 8 through Side 6, item 25d, related to the R&TC section under which exemption is being sought.

Mail form FTB 3500, with the supporting documents to:

FRANCHISE TAX BOARD
PO BOX 942857
SACRAMENTO CA 94257-4041

If you have questions about these forms, call 916.845.4171 (not toll-free).

If the articles of incorporation need to be amended to meet the requirements for tax-exempt status, or if additional information is required, the FTB will contact the officer or representative designated on form FTB 3500.

If the organization qualifies for tax-exempt status, the FTB will mail a determination letter to the organization. The determination letter is proof of tax-exempt status. California does not issue a "tax-exempt ID number."

Failure to furnish ALL required information may delay the determination of exempt status or result in the denial of the application.

Allow 90 calendar days for the FTB to review the application.

C Incorporated Organizations

If the organization is incorporated, follow the instructions in General Information B, When, What, and Where to File.

If the organization is not incorporated and wishes to do so, the organization must first incorporate, then follow the instructions in General Information B.

To Incorporate in California the organization must submit to the California SOS:

1. The original plus three copies of the articles of incorporation.
2. A \$30 check payable to the "California Secretary of State" (SOS) for the fees for filing the articles of incorporation.

The SOS certifies two copies of the filed document without charge, if the copies are submitted to the Secretary of State with the document to be filed. Additional certified copies cost \$8 each.

Address:

DOCUMENT FILING SUPPORT UNIT
SECRETARY OF STATE
PO BOX 944260
SACRAMENTO CA 94244-2600

Do not send form FTB 3500, to the California Secretary of State.

If the proposed articles satisfy the requirements of the California Corporations Code, the SOS files the original articles of incorporation, endorses any copies, and returns the endorsed copies to the organization. If the proposed articles do not satisfy the requirements of the Corporations Code, the SOS notifies the organization of the failure and advises how to remedy it. For more information go to the California SOS website at sos.ca.gov or call 916.657.5448 (not toll-free) with any questions regarding incorporating.

The articles of incorporation must not only meet the requirements of the California Corporations Code, they must also meet the requirements of the R&TC. Guidelines are provided on page 14. Sample articles that meet the requirements of both laws begin on page 16.

After the organization receives the endorsed articles of incorporation, mail one copy of the endorsed articles and the items listed under General Information Section B to:

FRANCHISE TAX BOARD
PO BOX 942857
SACRAMENTO CA 94257-4041

D Unincorporated Associations

If the organization is an unincorporated association and does not wish to incorporate, follow the instructions under General Information B.

E Foreign Corporations

If the organization is incorporated in another state or country, it is considered to be a "foreign corporation."

The organization may qualify to do business in California if it complies with the requirements of the California Corporations Code requirements.

If the organization has qualified through the California SOS, follow the instructions under General Information B.

To qualify to do business in California

- a. Follow the instructions to incorporate (General Information C, Incorporated Organizations), and submit the following documents, in lieu of the articles of incorporation, to the SOS:
 - A certificate of good standing from the state or country having custody of the original articles.
 - A completed Statement and Designation by Foreign Corporation (available on request from the SOS).
- b. If the SOS is satisfied that the organization meets the requirements of the California Corporations Code, the SOS will file the original Statement and Designation by Foreign Corporation, endorse any extra copies, and issue a Certificate of Qualification to the organization.
- c. After the organization receives the endorsed copy of the Statement and Designation by Foreign Corporation, send the following to the FTB:
 - The items listed in General Information B.
 - A copy of the endorsed Statement and Designation by Foreign Corporation.
 - A copy of the federal exemption determination letter.
 - Copies of the federal information returns for the last three years of operation. This will satisfy the financial data requirements.

Address:

FRANCHISE TAX BOARD
PO BOX 942857
SACRAMENTO CA 94257-4041

F Trusts

Trusts must furnish a copy of the federal determination letter before state exemption will be granted. If the trust has not applied for a federal exemption, it should do so. Attach a statement to form FTB 3500 stating when the federal application was submitted. Follow the instructions under General Information B.

Trusts that organize and operate for purposes described in R&TC Section 23701d are treated as nonprofit corporations for tax-exempt purposes. If the organization already has federal tax-exemption under IRC Section 501(c)(3) and seeks tax-exemption under R&TC Section 23701d, get form FTB 3500A.

Pension plans described in IRC Section 401(a) are not required to file form FTB 3500 with the FTB. They must file Form 109, California Exempt Organization Business Income Tax Return, if the unrelated business income for the taxable year exceeds \$1,000. Go to our website at ftb.ca.gov and search for **Form 109** for more information.

G Limited Liability Company

For taxable years beginning on or after January 1, 2003, limited liability companies (LLCs) classified as a partnership or as a disregarded entity that meet all of the requirements of R&TC Section 23701h or 23701x may qualify for exemption from tax as title-holding companies.

Effective August 30, 2004, California Corporations Code Section 17002 allows LLCs to engage in any lawful business activity, whether or not for profit. Accordingly, an LLC that elects to be taxed as a corporation may qualify for tax-exempt status, if it meets all the other requirements of R&TC Section 23701. The election of classification for tax purposes must be the same for California state tax purposes as for federal tax purposes. The federal election to be classified as a corporation for tax purposes may be demonstrated by a federal tax-exempt determination letter or the federal Form 8832, Entity Classification Election, submitted to the IRS. The organization must submit one of these documents with the Exemption Application. To qualify for tax-exempt status, the articles of organization of an LLC must contain language similar to the Sample Creating Documents shown on Page 18.

H Political Organizations

A political organization meeting the requirements of R&TC Section 23701r is not required to file form FTB 3500 with the FTB. The organization must obtain a letter from the FTB certifying tax-exempt status if it wants to incorporate and avoid the annual payment of the minimum franchise tax. For more information about political organizations, get FTB Pub. 1075, Exempt Organizations — Guide for Political Organizations. Go to our website at ftb.ca.gov and search for **1075**.

To obtain a letter certifying tax-exempt status, the political organization must submit a written request to the FTB's Exempt Organizations Unit. The organization's request must include a description of the political organization's activities. Mail the request to:

EXEMPT ORGANIZATIONS UNIT MS F120
FRANCHISE TAX BOARD
PO BOX 1286
RANCHO CORDOVA CA 95741-1286
or call 916.845.4171 (not toll-free)

I Groups

Group Exemption Application

A parent organization desiring group exemption for its California subordinates must first establish its own tax-exempt status. Then it must file a separate form FTB 3500 (complete Side 1) and write "Group Exemption" in red in the top margin of the form. The group exemption application must include:

- A cover letter stating that the subordinates are affiliated and are subject to the parent's general supervision and control.
- A sample copy of a uniform charter.
- An affirmation that the subordinates are operating in accordance with their stated purposes.
- A statement that the subordinates have furnished written authorization to be included with the group exemption application.
- A list of California subordinates, their organization number (if any), and current mailing address.

- The federal employer identification number (FEIN).
- The accounting period used.
- A statement whether the organization receives unrelated business income (if so, include the gross amount).

The subordinates must be exempt under the same lettered section under R&TC Section 23701 although not necessarily exempt under the same section as the national, state, or parent central organization.

J Retroactive Exempt Status

The FTB may grant tax-exempt status retroactively for periods in which the organization substantiates that it was organized and operated for exempt purposes.

K Sample Articles of Incorporation, Creating Documents, and Instructions

1. Incorporated Organizations

The sample articles of incorporation that begin on page 16 are structured to meet the California SOS requirements for incorporating and the requirements necessary for exemption. Guidelines are provided on page 14. Generally, organizations incorporating as nonprofit must do so under one of the three sections of the California Corporations Code Sections 5110, 7110, or 9110.

Exception: Organizations seeking exemption under R&TC Section 23701h or Section 23701x that have members must incorporate under the stock provisions of the California Corporations Code. (See California Corporations Code Section 202.) The articles of incorporation must contain a statement that the activities will be limited to those permitted under whichever section of the R&TC the exemption is being sought. If the organization does not have any members, it may incorporate as a mutual benefit corporation.

If an unincorporated association is being incorporated, an article (like the following) must be added: "The name of the existing unincorporated association now being incorporated by the filing of the articles is (state name of your association)." Attach an affidavit of subscribing persons to the articles. See California Corporations Code Sections 5121, 7121, and 9121.

The details of the internal operations of the organization should be covered in the bylaws. See page 19 for Guidelines in Writing Bylaws.

2. Unincorporated association creating document – An unincorporated association must have a creating document that meets certain minimum requirements. The document must contain:

- The name of the organization.
- The specific and primary purpose of the organization.
- A statement indicating that the organization is organized for nonprofit purposes and that the individual members will not derive profit from the organization.
- The original signature of each member of the board of directors.

The samples of unincorporated association creating documents on page 18 are structured to meet these requirements. Guidelines are provided on page 14.

Specific Instructions

Before mailing form FTB 3500, provide the:

- California Corporation number (seven digits) or California SOS file number (12 digits)
- Federal Employer identification number (FEIN)
- Organization's name as shown in the organization's creating document
- Address

If the organization is not incorporated, provide the organization's FEIN. If the exemption application is approved, FTB will assign a corporation number.

Private Mail Box (PMB) – Include PMB number in the address field. Write "PMB" first, then the box number. Example: 111 Main Street PMB 123.

Line 1a – Revenue and Taxation Code

Enter the California R&TC section tax-exempt status is requested under.

Comparable State and Federal Code Sections

An organization must be organized and operated for purposes described in one of the following R&TC Sections:

R&TC	IRC	Purpose
23701a	501(c)(5)	Labor, agricultural, or horticultural organizations
23701b	501(c)(8)	Fraternal beneficiary societies
23701c	501(c)(13)	Cemeteries, crematoriums
23701d	501(c)(3)	Religious, charitable, scientific, literary, or educational organizations
23701e	501(c)(6)	Business leagues, chambers of commerce, etc.
23701f	501(c)(4)	Civic leagues or social welfare and local association of employees
23701g	501(c)(7)	Social and recreational organizations
23701h	501(c)(2)	Title holding corporations
23701i	501(c)(9)	Voluntary employee's beneficiary organizations
23701j	501(c)(11)	Teachers' retirement funds
23701k	501(d)	Apostolic organizations
23701l	501(c)(10)	Fraternal societies
23701n	501(c)(17)	Supplemental unemployment compensation trusts
23701r	527	Political organizations
23701t	528	Homeowners' association
23701u	None	Public facility financial corporations
23701v	None	Mobile home park association
23701w	501(c)(19)	War veterans' organizations
23701x	501(c)(25)	Title holding organizations
23701y	501(c)(14)	Credit unions
23701z	501(n)	Self-insurance pools for charitable organizations

Line 1b – Primary Activity

Enter the specific and primary purpose of the entity.

Line 2a – Legal form of organization

Check the box for the entity type and the date the entity was formed.

- Corporation: The entity has endorsed articles of incorporation from the SOS, or is a foreign entity that has articles of incorporation on file in another state or country.
- Association: The entity is not incorporated in California, another state or country.
- Trust: A trust may be created by language in a will or in a written trust instrument. The trust creates legal obligations for the person (trustee) who manages the assets of the trust.
- Limited Liability Company: An LLC that elects to be taxed as a corporation. See General Instruction G for more detail.

Line 2b – Entity formed in another state.

If entity is a foreign corporation that is qualified in California (1) Enter date entity was qualified in California.

If entity is a foreign corporation (2) Enter state which entity was formed.

Line 3a – Previously exempt

Check the box to indicate if the entity previously applied for exemption.

If "Yes":

- Complete line 3b, Check box that applies and enter date of "grant" or "denial".
- Complete line 3c, enter R&TC section exemption was "granted" or "denied".

Line 3d – Another entity number

If FTB assigned another entity number, enter number assigned.

Line 4a – Federal Tax Returns

Check box for if entity filed Federal Tax Returns. If "Yes", on line 4b enter type of federal returns filed.

Line 5 – Accounting period

Enter the annual accounting period used by the entity. The accounting period must end on the last day of the month.

7 TO ENSURE THAT THE FTB WILL PROCESS THE ORGANIZATION'S EXEMPTION APPLICATION, ATTACH THE FOLLOWING INFORMATION TO THE APPLICATION. Failure to provide the following documents may delay our determination as to whether the organization qualifies for exemption.

- a** A copy of the creating document. The type of document to be submitted depends upon the way in which the organization was created. If the organization is:
- A California corporation, submit a copy of the endorsed articles of incorporation and all subsequent endorsed amendments. "Endorsed" means the articles bear the stamps of the California SOS.
 - A foreign corporation that is qualified through the California SOS, submit a copy of the endorsed articles of incorporation and all subsequent endorsed amendments from the state or country in which incorporated. "Endorsed" means the articles bear the stamps of the California SOS.
 - An unincorporated association, submit either: a copy of the constitution, articles of association, bylaws, or other document that contains the language required as shown in the samples on page 18 of the instructions AND which is signed by the board of directors or other governing body.
 - A trust, submit a copy of the trust document and any subsequent modifications to it.
 - A California limited liability company, submit a copy of the endorsed articles of organization.
 - A limited liability company formed in another state and qualified in California, submit a copy of the endorsed California SOS form LLC-5, Application for Registration, a copy of the certificate of good standing from the home state, and a copy of the articles of organization from the home state.
- b** A copy of the bylaws, proposed bylaws, operating agreement, or other code of regulations.
- c** Financial documents. The documents to be provided depend upon whether the organization has been operating or has not yet started to operate. If the organization has:
- Been operating, furnish complete statements of receipts and expenditures, assets and liabilities for each accounting period that it has been in existence and **for which exemption is requested**. See the Receipts and Expense Statement on Side 7 of this form. Do not send bank statements or monthly reports. However, bank statements or monthly reports should be retained as support for items on the income and expense statement.
 - Been operating but has not had any financial activity, provide information substantiating operations during the years for which you are requesting exemption. Example, minutes from meetings of board of directors. In addition, furnish a proposed budget showing sources of income and areas of expenditures for the current year and subsequent year. The proposed budget is required and the organization should base it upon the most reasonable expectations.
 - Not yet started to operate, furnish a proposed budget showing the sources of income and areas of expenditures for the first year of operation. The budget is required before the FTB will process the application and should be based upon the most reasonable expectations. Refer to the Receipts and Expenses Statement on Side 7 of this form.
- d** A statement describing the specific purposes for which the organization was formed. A general nonprofit purpose statement will not be acceptable, and do not quote the articles of incorporation or bylaws.
- e** A statement describing in detail the programs and activities that the organization presently conducts or will conduct and how it will accomplish its specific purposes.
- f** A statement describing in detail each type or source of funding, each fund raising activity, and each business enterprise the organization has engaged in or plans to engage in either alone or with other parties (accompanied by copies of all agreements, if any, for the conduct of each fund raising activity or business enterprise).
- g** A statement that fully explains any discontinued specific activities that the organization engaged in or sponsored. Give dates of commencement and termination and the reasons for discontinuance. (Omit if this is a new organization.)
- h** A copy of each lease, if any, in which the organization is the lessee or lessor of property (real, personal, gas, oil, or mineral), or in which an interest is owned under such lease, together with copies of all agreements with other parties for development of the property.
- i** Summary of any literature that the organization sells or distributes and summary of any organizational advertising.

Each item listed below refers to a separate R&TC section. Provide the information for the section under which the organization claims exemption.

8 R&TC Section 23701a – Labor, agricultural, or horticultural organization: Submit an explanation of any services to be performed for members. Cooperative organizations applying for exemption under R&TC Section 23701a must submit a copy of the federal exemption letter showing exemption under IRC Section 501(c)(5).

9 R&TC Section 23701b – Fraternal beneficiary societies, etc.:

- a** State whether the organization operates, or plans to operate, under the lodge system or for the exclusive benefit of the members of a lodge system. Operating under the lodge system means carrying on activities under a form of organization that comprises local branches (called lodges, chapters, or the like) that are largely self-governing and chartered by a parent organization.
- b** If the organization is a subordinate or local lodge, etc., attach a certificate signed by the secretary of the parent organization certifying that the subordinate lodge is a duly constituted body operating under the jurisdiction of the parent body.
- c** If the organization is a parent or grand lodge, attach a statement showing the number of subordinate lodges in active operation and whether periodic meetings are actually held.
- d** Attach a statement describing the types of benefits (life, sick, accident, or other benefits) paid, or to be paid, to members.

10 R&TC Section 23701c – Cemetery company or corporation chartered solely for burial purposes:

- a Attach these statements and/or documents:
 - (1) Complete copy of the sales contract or other document involved in the organization’s acquisition of cemetery property.
 - (2) Complete copy of any contract designating an agent to sell the cemetery plots.
 - (3) Name(s) of officer(s) and director(s) of the organization from the date of incorporation to the present date, and the period for which each held office.
 - (4) Appraised value of cemetery property as of the date acquired (the appraisal should be obtained from sources other than the parties in interest).
- b Does the organization have or plan to have a perpetual care fund? Yes No
 If “Yes,” furnish a copy of the federal exemption letter, a copy of the fund agreement, and a statement explaining the nature of such fund (cash, securities, unsold land, etc.). Also attach a statement that fully explains the manner in which the fund is or will be administered, the specific purposes for which the fund is to be used, and the name(s) of the person(s) administering the fund.
- c Does the organization operate a crematorium? Yes No

11 R&TC Section 23701d – Religious, charitable, scientific, literary, or educational organization: Attach a statement explaining all “Yes” answers in item 11a through item 11d.

- | Yes | No |
|-----|----|
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| | |
- a Has the organization received, or does it expect to receive, 10% or more of its assets from any organization or group of affiliated organizations (affiliated through stockholding, common ownership, or otherwise), any individual, or members of a family group (brother or sister whether whole or half blood, spouse/RDP, ancestor, or lineal descendant)?
 - b Is the organization now, has it ever been, or does it plan to be engaged in carrying on propaganda, or otherwise advocating or opposing pending or proposed legislation (this includes dissemination of such information to the general public while representing the organization)?
 - c Has the organization participated in, or does it plan to participate or intervene in, any political campaign (including the publishing or distributing of statements) on behalf of, or in opposition to, any candidate for public office?
 - d Does the organization hold, or plan to hold, 10% or more of any class of stock or 10% or more of the total combined voting power of stock in any corporation?
 - e If claiming exemption as a church, **attach a statement including the information requested in item (1) through item (8) below:**
 - (1) Has a permanent place of worship been established? At what address? Who is the legal owner of this property? Describe the physical characteristics of the organization’s church buildings. Explain to what extent these buildings are used for purposes other than religious worship.
 - (2) Does the organization have a regular congregation or conduct religious services on a regular basis? How many usually attend the regular worship services? Attach samples of worship service programs and newspaper announcements of the organization’s activities. Where and how often are religious services held?
 - (3) Furnish information regarding the religious background and formal religious training of the religious leaders. Furnish a copy of each religious leader’s certificate of ordination.
 - (4) What amount of the annual gross income will be received from incorporators, ministers, officers, directors, or their families?
 - (5) What amount of the organization’s proposed expenditures will be used for the personal living expenses of the individuals mentioned in item (4) above?
 - (6) How many hours per week will the religious or spiritual leader(s) devote to organizational activities? Will this person(s) engage in employment unrelated to the activities of the organization? If so, indicate the number of hours per week and describe the employment activity.
 - (7) List all the officers, directors, trustees, etc., of the organization and describe their qualifications for such office. Are any of the officers or directors related by blood or marriage or RDP? If “Yes,” explain.
 - (8) Will any founder, member, or officer:
 - (a) Take a vow of poverty?
 - (b) Transfer personal assets to this organization, like a home, automobile, furnishings, business, or recreational assets, etc., that will be made available for the personal use of the donor(s)?
 - (c) Assign or donate to the organization income that will be used in part or whole to pay the donor(s) as salary, stipend, or living allowance (such as food, medical expenses, clothing, insurance, etc.)?

12 R&TC Section 23701e – Business league, chamber of commerce, etc.: Has the organization performed, or does it plan to perform, particular services for members, shareholders, or others, such as furnishing credit reports or collection accounts, inspecting products, conducting advertising, purchasing merchandise, or other similar undertakings? Yes No If “Yes,” attach a detailed statement, including income realized and expenses incurred in such activities. If engaged in advertising, attach samples of material.

13 R&TC Section 23701f – Civic leagues, social welfare organizations, and local associations of employees:

- a If the organization is applying as a civic league or social welfare organization, attach a statement explaining how the organization will promote the common good or welfare of an entire community.
- b If the organization is applying as a local association of employees, attach a statement giving the names and addresses of employers that have employees who are eligible for membership in the association. If an employer has employees (who are eligible for membership) located in more than one plant or office, give the address of each plant or office.

14 R&TC Section 23701g – Social and recreational organization:

- a Has the organization solicited, or does it plan to solicit, public patronage of the facilities by advertisement or otherwise? If “Yes,” attach sample copies of such advertisements or other solicitations.
- b Are nonmembers, other than bona fide guests of members, permitted, or will they be permitted, to use the club facilities or participate in or attend any functions or activities conducted by the organization? If “Yes,” attach a statement describing the functions or activities in which nonmembers have participated or will participate, or to which they have been or will be admitted. If nonmembers have participated in or have been admitted to any functions or activities, state the amount received from nonmembers. Provide a schedule in the statement detailing the expenses attributable to such nonmembers, the expenses attributable to such functions, and the disposition made of net profits, if any, derived from the functions
- c Has the organization rented or leased, or does it plan to rent or lease, any part of the club’s property to others? If “Yes,” attach a statement indicating the reason for such action, or proposed action, and the amount received, or to be received. Also attach copies of the rental agreements or leases
- d Has the organization derived or will it derive any income from nonmembers not explained above? If “Yes,” explain in detail.
- e Furnish a statement separating the member and nonmember income for the past three years and a proposed budget separating member and nonmember income for the next period of operation.
- f Enter the total number of club members: _____. If there are different classes of membership, attach a statement explaining the dues and privileges of each class.
- g Provide copies of:
 - (1) House rules.
 - (2) All other documents used in considering or granting memberships, including agreements or contracts, if any.
 - (3) Corporate resolutions demonstrating adoption of policy or change of policy regarding membership or use of facilities.

	Yes	No

15 R&TC Section 23701h – Title holding corporation:

- a Attach a statement giving the complete names and addresses of organizations for which title to property is held, the number of shares of capital stock held and whether shares of stock have ever been held by persons other than such organizations. If stock was so held, include the years held and the total number of shares of each class of stock.
 R&TC Section 23701h requires turning over net income to a parent organization periodically. Organizations with members, incorporating as a nonprofit corporation under the California Corporations Code, are precluded from exempt status under R&TC Section 23701h. California Corporations Code Sections 5410 and 7411 prohibit any distribution to members of nonprofit public benefit corporations or nonprofit mutual benefit corporations unless the organization dissolves.
 Incorporated organizations seeking exemption under R&TC Section 23701h that have members must incorporate under the for profit provisions of the California Corporations Code.
- b State whether the annual income (less expenses) is, or will be, turned over to the organization for which title to property is held. Explain what disposition will be made of income that will not be turned over to the organization.
- c Attach a copy of an exemption letter (federal or California) for each organization for which property will be held. If property will be held for organization(s) located in California, the organization must furnish a California exemption letter.

16 R&TC Section 23701i – Voluntary employees’ beneficiary organization: Furnish a copy of the federal determination letter showing exemption under IRC Section 501(c)(9).

17 R&TC Section 23701l - Fraternal society, etc.:

- a State whether the organization operates, or plans to operate, under the lodge system or for the exclusive benefit of the members of a lodge system. Operating under the lodge system means carrying on activities under a form of organization that comprises local branches (called lodges, chapters, or the like) that are largely self-governing and chartered by a parent organization.
- b If the organization is a subordinate or local lodge, etc., attach a certificate signed by the secretary of the parent organization certifying that the subordinate lodge is a duly constituted body operating under the jurisdiction of the parent body.
- c If the organization is a parent or grand lodge, attach a statement showing the number of subordinate lodges in active operation and whether periodic meetings are actually held.

18 R&TC Section 23701n – Supplemental unemployment compensation trust: Attach a copy of the supplemental unemployment benefit plan and pertinent agreements and a copy of the federal determination letter.

19 R&TC Section 23701t – Homeowners’ association:

- a Furnish a copy of the recorded Declaration of Covenants, Conditions, and Restrictions.
- b Will any of the individual units/lots owned by the organization or its members be occupied for other than personal residential purposes? Yes No If “Yes,” provide the following information:
 - (1) What percentage of the units/lots will be used for nonresidential purposes? _____
 - (2) If the organization claims exemption as a condominium management association, enter square footage of all units and square footage devoted to residential purposes. All units _____ Residential _____
 - (3) If the organization claims exemption as a residential real estate management association, enter the local real property zoning for lots within the association. Total number of lots _____ Number of lots zoned residential _____
 - (4) What percentage of the organization’s total gross income will be derived from dues, fees, or assessments from nonresidential members? _____
- c Will this organization own, maintain, or operate a mutual water company, well, electrical generating facility, or other utility? Yes No If “Yes,” describe in detail and answer these questions:
 - (1) Are the members/shareholders: the actual users of the utility or simply investors?
 - (2) Is this organization furnishing utilities to (check applicable box(es)): residential homes, commercial businesses (including agricultural enterprises)? If both, indicate what percent of this organization’s total income will be derived from sale of utilities for nonresidential usage _____
 - (3) How are members/shareholders assessed for utilities usage? Are they assessed equally or on the basis of square footage/acreage?
 - (4) Are meters utilized to determine charges to members/stockholders? Yes No
If “Yes,” provide a detailed breakdown on how rates are determined and the amount of revenue received.
- d Will any of the units/lots be rented by a person, or series of persons, for periods of less than 30 days that, when added together, equal more than half of the association’s taxable year? Yes No If “Yes,” what percentage of the units/lots are rented in this manner? _____
- e What date was the first unit sold, or when will the first unit be available for sale? _____
- f What date did the association become active? _____ Provide details of these activities.

g When were (will) dues first collected? month _____ day _____ year _____

20 R&TC Section 23701u – Public facility financial corporation:

- a Attach samples of all certificates of participation or other securities to be issued.
- b Attach copies of all leases, contracts, trust agreements, or other agreements that have been, or will be, entered into by this corporation.

21 R&TC Section 23701v – Mobile home park acquisition association:

- a Are all members of the organization owners of manufactured homes or mobile home tenants of the mobile home park? Yes No
If “No,” explain the circumstances under which other individuals can become members of the organization.
- b Describe the mobile home park in which owner/tenant members reside.
- c Are all lots within the park rented or leased to mobile home or manufactured home owners? Yes No If “No,” explain.
- d Does the rent paid by each owner include rental for the lot occupied by the mobile home or manufactured home? Yes No If “No,” explain.
- e Will the organization carry on activities other than purchasing or preparing to purchase the mobile home park in which members reside? Yes No If “Yes,” describe in detail the other activities and indicate the percentage of total operations represented by such activities.

22 R&TC Section 23701w – War Veterans’ organization:

To be completed by a post or organization of past or present members of the Armed Forces of the United States.

- a What is the total membership of your post or organization? _____
- b How many members are present or former members of the Armed Forces of the United States? _____
- c How many members are cadets (include students in college, university, or armed services academies)? _____ How many are spouses/RDPs, widows, or widowers of cadets, or of past or present members of the Armed Forces of the United States? _____
- d Does the organization have a membership category other than the ones set out above? Yes No If “Yes,” explain in detail and enter the number of members in this category.

To be completed by an auxiliary unit or society of a post or organization of past or present members of the Armed Forces of the United States.

- e Is the organization affiliated with and organized according to the bylaws, and regulations formulated by such an exempt post or organization? Yes No
- f How many members does the organization have? _____

(Item 22 continues on Side 6.)

- g** How many members are past or present members of the Armed Forces of the United States, or have spouses/RDPs or persons related to them within two degrees of blood relationship (grandparents, brothers, sisters, and grandchildren are the most distant relationships allowable) that are past or present members of the Armed Forces of the United States (enter total)? _____
- h** Are all of the members themselves members of a post or organization, past or present members of the Armed Forces of the United States, or spouses/RDPs of members of such a post or organization, or related to members of such a post or organization within two degrees of blood relationship? Yes No If "No," explain in detail.

23 R&TC Section 23701x – Title holding organization:

- a** Attach a statement giving the complete names and addresses of organizations or trusts for which title to property is being held, and the number of shares of capital stock held by each entity.
- b** State whether the annual income (less expenses) is, or will be, turned over to the organizations for which title to property is held. Explain what disposition will be made of the income that is not or, will not be, turned over to the organizations.
- c** Furnish a copy of a federal determination or opinion letter for each organization or trust for which property is, or will be, held.
- d** For those organizations of trust for which property is, or will be, held and which do not have a federal determination letter, provide detailed information to show that each shareholder is:
- (1)** A governmental plan described in IRC Section 414(d); or
- (2)** The United States, any state or political subdivision thereof, or any agency or instrumentality of the foregoing.
- e** State the total number of stockholders or beneficiaries.
- f** Describe in detail each class of stock or beneficial interest.

R&TC Section 23701x requires turning over net income to specified parent organizations periodically. Organizations with members incorporating as a nonprofit corporation under the California Corporations Code are precluded from exempt status under that section. California Corporations Code Sections 5410 and 7411 prohibit any distribution to members of nonprofit public benefit corporations or nonprofit mutual benefit corporations unless the organization dissolves.

Incorporated organizations seeking exemption under R&TC Section 23701x that have members must incorporate under the for profit provisions of the California Corporations Code.

24 R&TC Section 23701y – Credit Unions:

- a** Provide a copy of the organization's license to operate a credit union.
- b** What is the total number of members of the organization? _____

25 R&TC Section 23701z – Self-Insurance pools for charitable organizations:

- a** Provide a list of names, California corporation numbers, and federal employer identification numbers (FEINs) for all participants in the pool.
- b** Describe in detail the activities of each participating corporation.
- c** Furnish a copy of the latest federal determination letter showing exemption under IRC Section 501 for each participating corporation.
- d** Describe in detail all insurance services to be provided to members of the pool.

Receipts and Expenses Statement

Complete information is required to adequately respond to Item 7c on Side 2. The statement below represents the basic financial details necessary to complete the organization's request for exemption. The organization may substitute its own receipts and expenses statement, or statements, but the details **must** be complete as indicated in this statement. Failure to provide complete financial information may result in denial of the organization's exemption application.

Details must include:

- For each year exempt status is requested, provide the financial information represented in the statement below.
- If the organization has had financial activities for less than one year, provide a financial statement for the period of activities, and a projected budget for the entire first year.
- If this is the organization's first year of operation, and/or the organization has no prior financial activity, provide a proposed budget for the entire first year of operation. The proposed budget should be based on the organization's most reasonable expectations.

RECEIPTS	Calendar or Fiscal Year Ending				Total
	Current year	Three preceding years for each year in existence			
	_____	_____	_____	_____	
Gifts					
Grants					
Contributions received					
Fundraising					
Membership income					
Nonmembership income (R&TC Section 23701g)					
Membership dues and assessments (R&TC Section 23701t)					
Other business income					
Gross investment income					
Gross royalty income					
Gross rental income					
Gross receipts from admissions					
Gross receipts from commissions					
Gross receipts from sale of merchandise					
Gross receipts from services provided					
Gross receipts from furnishing of facilities					
Gain or loss from sale of capital assets					
Other income (attach sheet itemizing each type)					
TOTAL RECEIPTS					
EXPENSES					
Fundraising					
Contributions, gifts, grants, and similar amounts paid					
Disbursements to or for member benefit					
Compensation of officers					
Compensation of directors					
Compensation of trustees					
Rental expenses					
Other salaries and wages					
Occupancy (rents)					
Other (including all operational and administrative expenses – attach sheet)					
TOTAL EXPENSES					
Excess of receipts over expenses					

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Procedural Checklist

Has the organization:

- _____ Completed Side 1, including item 1a through item 6h?
Note: Attach a statement if the organization needs to clarify an answer to any of these questions.
- _____ Included the information and documents requested on Side 2, item 7a through item 7i?
- _____ Completed the appropriate lines for the organization's needs on Side 2, item 8 through Side 6, item 25d?
- _____ Included the \$25 application fee?
- _____ Signed the application?
(The application must be signed by an officer or an authorized representative of the organization. The signature must be the original, not a copy.)

Make sure the organization's application is complete.

If the organization does not complete all applicable parts of form FTB 3500, or does not provide all required attachments, additional correspondence will be necessary in order to complete the review of its application. This will delay the determination of exempt status or result in denial of the application.

Retain a copy of the completed form FTB 3500 and all attachments for the organization's permanent records.

Guidelines for Creating Document

Use the samples on pages 16 through 18, to draft the organization's creating document. The table below provides direction as to which sample and related specific instruction to use to ensure the organization's creating document contains all required statements for the section of law under which the organization is applying for exemption.

If applying for exemption under R&TC Section	And the organization is	If incorporating		If <u>not</u> incorporating, use sample	Limited liability company
		Use sample	See note		
23701d	Exclusively religious	A	1 & 3	G	See note 8
23701d	Other than exclusively religious	B	1, 2, & 3	H	
23701f	Civic league, social welfare organization, and local association of employees	C	1 & 4	I	
23701h or 23701x	Title holder	D	5	J	
23701u	Public facility financing corporation	E	1		
23701y	Credit union		6		
Any other section		F	1 & 7	J	

Notes:

1. In Article III: Complete the sentence by describing the specific and primary purpose of the organization. Limit it to those activities permitted by the R&TC section under which the exemption is desired.

2. In Article V and VI: Complete the sentence by describing the specific and primary purposes permitted by R&TC Section 23701d (i.e., charitable, educational, scientific, etc.)

3. In Article VII: Organizations wanting to distribute their assets to a specific organization must provide for an alternate distributee. This is needed because the specific organization may not be in existence or may not be exempt under the appropriate section of law at the time of distribution. The exception to this rule is when the assets are to be distributed to federal, state, county, or city government for public purposes.

Where designation of a specific distributee is desired and the welfare exemption from property taxation will be claimed, the organization may use the following sample clause to replace Article VII.

"Upon the dissolution or winding up of this organization, its assets remaining after the payment of, or provision for the payment of, all debts and liabilities of this organization, shall be distributed to (Enter the name of the organization) if it is then in existence and organized and operated exclusively for charitable and/or religious purposes and exempt under IRC Section 501(c)(3), but if not then in existence or so organized and operated or exempt, to another organization which is organized and operated exclusively for charitable and/or religious purposes and which has established its tax-exempt status under IRC Section 501(c)(3)."

4. In Article VII: Organizations wishing to distribute their assets to a specific organization must provide for an alternate distributee. This is needed because the specific organization may not be in existence or may not be exempt under the appropriate section of law at the time of distribution. The exception to this rule is when the assets are to be distributed to federal, state, county, or city government for public purposes.

Where designation of a specific distributee is desired and the welfare exemption from property taxation will be claimed, the organization may use the following sample clause to replace Article VII.

"Upon the dissolution or winding up of this organization, its assets remaining after the payment of, or provision for the payment of, all debts and liabilities of this organization, shall be distributed to (Enter the name of the organization) if it is then in existence and organized and operated exclusively for charitable and/or social welfare purposes and exempt under IRC Section 501(c)(3) or 501(c)(4), but

if not then in existence or so organized and operated or exempt, to another organization which is organized and operated exclusively for charitable and/or social welfare purposes and which has established its tax-exempt status under IRC Section 501(c)(3) or 501(c)(4)."

5. See Article V. If the organization has any members, it must use articles that provide for the issuance of stock AND include the following statement: "The activities of this corporation will be limited to those permitted under R&TC Section _____." (Enter 23701h or 23701x, as appropriate.)

6. Credit unions must follow the requirements set forth in the Financial Code.

7. Dedication of assets:

a. Generally, organizations using these articles are not required to include a clause dedicating assets to charitable purposes. However, any organization may elect to distribute its assets to charitable organizations upon dissolution without restricting the assets to such use during the organization's existence.

Exception: Veteran's organizations are entitled to the welfare (property tax) exemption but must dedicate their assets to "charitable" purposes. See Articles VI and VII in Sample Articles B.

b. Organizations applying for exemption under R&TC Section 23701g, social or recreational clubs, must be operated for the enjoyment of members and supported primarily by dues, fees, and assessments paid by members. Any income from nonmember sources may be taxable as unrelated business income and, if it is substantial, the club may lose its exempt status.

A social club may have a fund raising event for a charitable organization and pay over the net proceeds to the charity without losing its exempt status. Social clubs contemplating fund raising drives should include the following in their articles of incorporation or creating document:

"If this organization holds any event(s) to which the general public is invited to observe or participate in for a fee, the income from the general public, less a proportional share of the expenses which will not benefit members, will be paid over to an organization, which is exempt from income tax under IRC Section 501(c)(3), on an annual basis."

8. A limited liability company uses Form LLC-1, Limited Liability Company Articles of Organization, as its creating document. To get this form go to the Secretary of State's website at sos.ca.gov.

On Form LLC-1, item 6, attach a page to include language similar to the sample creating documents shown on page 18. Follow the guidelines under "If Not Incorporating" in the table shown above.

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Sample A Articles (nonprofit **RELIGIOUS** corporation).
To be used by exclusively religious organizations seeking exemption under R&TC Section 23701d.

ARTICLES OF INCORPORATION

I
The name of this corporation is _____ .

II
This corporation is a religious corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Religious Corporation Law exclusively for religious purposes.

III
The specific purpose of this corporation is to _____ .

IV
The name and address in the State of California of this corporation's initial agent for service of process is: _____ .

V
This corporation is organized and operated exclusively for religious purposes within the meaning of IRC Section 501(c)(3).

VI
The property of this corporation is irrevocably dedicated to religious purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer, or member thereof, or to the benefit of any private person.

VII
Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation, or corporation which is organized and operated exclusively for religious purposes and which has established its tax-exempt status under IRC Section 501(c)(3).

VIII
No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

(Signature of Incorporator)
(Typed name of Incorporator), Incorporator

Sample B Articles (nonprofit **PUBLIC BENEFIT** corporation).
To be used by organizations other than exclusively religious organizations, seeking exemption under R&TC Section 23701d.

ARTICLES OF INCORPORATION

I
The name of this corporation is _____ .

II
This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for (public) (charitable), (public and charitable) purposes.

III
The specific purpose of this corporation is to _____ .

IV
The name and address in the State of California of this corporation's initial agent for service of process is: _____ .

V
This corporation is organized and operated exclusively for _____ purposes within the meaning of IRC Section 501(c)(3).

VI
The property of this corporation is irrevocably dedicated to _____ purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer, or member thereof, or to the benefit of any private person.

VII
Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation, or corporation which is organized and operated exclusively for _____ purposes and which has established its tax-exempt status under IRC Section 501(c)(3).

VIII
No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

(Signature of Incorporator)
(Typed name of Incorporator), Incorporator

Sample C Articles (nonprofit **PUBLIC BENEFIT** corporation).
To be used by civic leagues, social welfare organizations, and local associations of employees seeking exemption under R&TC Section 23701f.

ARTICLES OF INCORPORATION

I
The name of this corporation is _____ .

II
This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public purposes.

III
The specific purpose of this corporation is to _____ .

IV
The name and address in the State of California of this corporation's initial agent for service of process is: _____ .

V
This corporation is organized and operated exclusively for social welfare purposes within the meaning of IRC Section 501(c)(4).

VI

The property of this corporation is irrevocably dedicated to social welfare purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer, or member thereof, or to the benefit of any private person.

VII

Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation, or corporation which is organized and operated exclusively for social welfare purposes and which has established its tax-exempt status under IRC Section 501(c)(4).

(Signature of Incorporator)

(Typed name of Incorporator), Incorporator

Sample D Articles To be used by **TITLE HOLDING** corporations that have members seeking exemption under R&TC Section 23701h or 23701x.

ARTICLES OF INCORPORATION

I

The name of this corporation is _____.

II

The purpose of the corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business, or the practice of a profession permitted to be incorporated by the California Corporations Code.

III

The name and address in the State of California of this corporation's initial agent for service of process is: _____.

IV

This corporation is authorized to issue only one class of shares of stock; and the total number of shares which this corporation is authorized to issue is _____.

V

The activities of this corporation will be limited to those permitted under R&TC Section _____.

(Signature of Incorporator)

(Typed name of Incorporator), Incorporator

Sample E Articles To be used by **PUBLIC FACILITY FINANCING ORGANIZATIONS** seeking exemption under R&TC Section 23701u.

ARTICLES OF INCORPORATION

I

The name of this corporation is _____.

II

This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public purposes.

III

The specific purpose of this corporation is to _____.

IV

The name and address in the State of California of this corporation's initial agent for service of process is: _____.

V

This corporation is organized and operated exclusively for social welfare purposes within the meaning of IRC Section 501(c)(4).

VI

The property of this corporation is irrevocably dedicated to public purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer, or member thereof, or to the benefit of any private person.

VII

Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation, or corporation which is organized and operated exclusively for public purposes and which has established its tax-exempt status under R&TC Sections 23701d, 23701f, or 23701u, or IRC Sections 501(c)(3), or 501(c)(4).

(Signature of Incorporator)

(Typed name of Incorporator), Incorporator

Sample F Articles (nonprofit **MUTUAL BENEFIT** corporation). To be used by organizations seeking exemption under an R&TC section other than 23701d, 23701f, or 23701u.

ARTICLES OF INCORPORATION

I

The name of this corporation is _____.

II

This corporation is a nonprofit mutual benefit corporation organized under the Nonprofit Mutual Benefit Corporation Law. The purpose of this corporation is to engage in any lawful act or activity, other than credit union business, for which a corporation may be organized under such law.

III

The specific purpose of this corporation is to _____.

IV

The name and address in the State of California of this corporation's initial agent for service of process is: _____.

V

Notwithstanding any of the above statements of purposes and powers, this corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the specific purpose of this corporation.

(Signature of Incorporator)

(Typed name of Incorporator), Incorporator

Sample G Creating Document

Unincorporated Association or Limited Liability Company
R&TC Section 23701d
Exclusively Religious Organizations

The creating document must contain:

1. The name of the organization.
2. The specific and primary purpose of the organization.
3. A statement indicating that the organization is organized for nonprofit purposes and that the individual members will not derive profit therefrom. The following is acceptable:
This organization is a nonprofit religious organization and is not organized for the private gain of any person.
4. A political limitation clause. The following is acceptable:
No substantial part of the activities of this organization shall consist of carrying on propaganda or otherwise attempting to influence legislation, and the organization shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.
5. A dedication clause. The following is acceptable:
The property of this organization is irrevocably dedicated to religious purposes and no part of the net income or assets of this organization shall ever inure to the benefit of any director, officer, or private person.
6. A dissolution clause. The following is acceptable:
Upon the dissolution or winding up of the organization, its assets remaining after payment, or provision for payment, of all debts and liabilities of this organization shall be distributed to a nonprofit fund, foundation, or corporation which is organized and operated exclusively for religious purposes and which has established its tax-exempt status under IRC Section 501(c)(3).

Sample H Creating Document

Unincorporated Association or Limited Liability Company
R&TC Section 23701d
Other than Exclusively Religious Organizations

The creating document must contain:

1. The name of the organization.
2. The specific and primary purpose of the organization.
3. A statement indicating that the organization is organized for nonprofit purposes and that the individual members will not derive profit therefrom. The following is acceptable:
This organization is a nonprofit public benefit organization and is not organized for the private gain of any person.
4. A political limitation clause. The following is acceptable:
No substantial part of the activities of this organization shall consist of carrying on propaganda or otherwise attempting to influence legislation, and the organization shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.
5. A dedication clause. The following is acceptable:
The property of this organization is irrevocably dedicated to charitable purposes and no part of the net income or assets of this organization shall ever inure to the benefit of any director, officer, or private person.

6. A dissolution clause. The following is acceptable:

Upon the dissolution or winding up of the organization, its assets remaining after payment, or provision for payment, of all debts and liabilities of this organization shall be distributed to a nonprofit fund, foundation, or corporation, which is organized and operated exclusively for charitable purposes and which has established its tax-exempt status under IRC Section 501(c)(3).

Sample I Creating Document

Unincorporated Association or Limited Liability Company
R&TC Section 23701f

The creating document must contain:

1. The name of the organization.
2. The specific and primary purpose of the organization. The following is acceptable:
The specific purpose of this organization is to _____ within the meaning of R&TC Section 23701f.
3. A statement indicating that the organization is organized for nonprofit purposes and that the individual members will not derive profit therefrom.
The following is acceptable:
This organization is a nonprofit public benefit organization and is not organized for the private gain of any person.
4. A dedication clause. The following is acceptable:
The property of this organization is irrevocably dedicated to social welfare purposes and no part of the net income or assets of this organization shall ever inure to the benefit of any director, officer, or private person.
5. A dissolution clause. The following is acceptable:
Upon the dissolution or winding up of the organization, its assets remaining after payment, or provision for payment, of all debts and liabilities of this organization shall be distributed to a nonprofit fund, foundation, or corporation, which is organized and operated exclusively for social welfare purposes and which has established its tax-exempt status under IRC Section 501(c)(4).

Sample J Creating Document

Unincorporated Association or Limited Liability Company
All Others

The creating document must contain:

1. The name of the organization.
2. The specific and primary purpose of the organization. The following is acceptable:
The specific purpose of this organization is to _____ within the meaning of R&TC Section 23701____.
3. A statement indicating that the organization is organized for nonprofit purposes and that the individual members will not derive profit from the organization. The following is suggested:
The organization does not contemplate pecuniary gain or profit to the members thereof and is organized for nonprofit purposes.
4. A limitation clause. The following is acceptable:
Notwithstanding any of the above statements of purposes and powers, this organization shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the specific purpose of this organization.

Guidelines in Writing Bylaws

Bylaws set forth how an organization will operate. Following are some standard categories included in bylaws and descriptions of what may be addressed in each category. These are not mandatory categories, nor are they all inclusive. They are merely provided for guidance purposes. When the organization drafts its bylaws, include only those categories that meet the operational goals of the organization.

NAME

The name of the organization. The form of the seal (if any). What is required for the organization to change its name (such as a vote of a certain percentage of the members).

PURPOSES

Describe the purposes of the organization.

MEMBERSHIP

Establish requirements regarding the membership including:

1. Basis for membership
2. Basis for terminating a person's membership

MEETINGS

Describe activities or requirements for meetings, including:

1. When regular meetings will be held
2. How they are to be rescheduled if the need arises
3. How and when members will be notified of meetings
4. How special meetings are to be called
5. What percentage of membership constitutes a quorum in the event a vote is to be taken

VOTING

Describe issues concerning voting, including:

1. When and how voting will be conducted
2. How the votes will be tallied and who will do the tallying
3. How board members and officers will be elected

ORDER OF BUSINESS

Establish the order in which the meetings will be conducted.

BOARD OF DIRECTORS

Describe the requirements of the board of directors, including:

1. How many board members there will be
2. How they will be chosen
3. How long they will serve
4. What their responsibilities will be
5. When they will meet
6. How many constitute a quorum
7. Basis for removal of a director

OFFICERS

Describe the requirements of the officers, including:

1. How many officers there will be
2. How they will be chosen
3. How long they will serve
4. What their responsibilities will be
5. When they will meet
6. Basis for removal of an officer
7. Whether they will be compensated for their services

SALARIES

Describe issues concerning salaries, including:

1. Who will establish the amount
2. Options for revising the amount

COMMITTEES

Describe issues associated with committees, including:

1. What the committees will be responsible for doing
2. How new committees will be created
3. Who may serve on a committee
4. How long members will serve on a committee
5. Basis for removing committee members

DUES

Describe issues associated with dues, including:

1. The amount of dues
2. When they are to be paid
3. Consequences of failing to pay the dues
4. How the amount is established and/or revised

RECORDS AND REPORTS

Describe the accounts, books, and records to be maintained by the organization. Describe the minutes to be kept at each meeting, whether or not they will be opened for inspection and, if open, when they will be available.

AMENDMENTS

Describe issues associated with how the bylaws will be amended, include:

1. Who can initiate an amendment
2. When the amendment will be made
3. If a vote is to be taken will a majority or quorum be required

OTHER

Include any other provisions you may want to include as guidance in how the organization will operate.

Automated Toll-Free Phone Service

Use our Automated Toll-Free Phone Service to get recorded answers to many of your questions about California taxes and to order current year California Business Entity tax forms and publications. This service is available in English and Spanish to callers with touch-tone telephones. Have paper and pencil ready to take notes.

Call from within the United States 800.338.0505
Call from outside the United States 916.845.6600 (not toll-free)

Where to get General Tax Information

By Internet – You can get answers to Frequently Asked Questions from our website at ftb.ca.gov.

By Phone – You can hear recorded answers to Frequently asked Questions 24 hours a day, 7 days a week. Call our automated phone service at the number listed above. Select “Business Entity Information,” then select “Frequently Asked Questions.” Enter the 3-digit code, listed below, when prompted.

Code – Prefiling Assistance

- 715 – If my actual tax is less than the minimum franchise tax, what figure do I put on line 23 of Form 100 or Form 100W?
- 717 – What are the current tax rates for corporations?
- 718 – How do I get an extension of time to file?
- 722 – When does my corporation file a short period return?
- 734 – Is my corporation subject to a franchise tax or income tax?

S corporations

- 704 – Is an S corporation subject to the minimum franchise tax?
- 705 – Are S corporations required to file estimated payments?
- 706 – What forms do S corporations file?
- 707 – The tax for my S corporation is less than the minimum franchise tax. What figure do I put on line 22 of Form 100S?

Exempt Organizations

- 709 – How do I get tax-exempt status?
- 710 – Does an exempt organization have to file Form 199?
- 736 – I have exempt status. Do I need to file Form 100 or Form 109 in addition to Form 199?

Minimum Tax and Estimate Tax

- 712 – What is the minimum franchise tax?
- 714 – My corporation is not doing business; does it have to pay the minimum franchise tax?

Billings and Miscellaneous Notices

- 723 – I received a bill for \$250. What is this for?

Dissolution

- 724 – How do I dissolve my corporation?

Miscellaneous

- 700 – Who do I need to contact to start a business?
- 701 – I need a state Employer ID number for my business. Who do I contact?
- 703 – How do I incorporate?
- 737 – Where do I send my payment?

Letters

If you write to us, be sure your letter includes the California corporation number, or FEIN, your daytime and evening telephone numbers, and a copy of the notice. Send your letter to:

EXEMPT ORGANIZATIONS UNIT MS F-120
FRANCHISE TAX BOARD
PO BOX 1286
RANCHO CORDOVA CA 95741-1286

We will respond to your letter within ten weeks. In some cases we may need to call you for additional information. Do not attach correspondence to your tax return unless it relates to an item on the return.

Your Rights As A Taxpayer

FTB’s goals include making certain that your rights are protected so that you have the highest confidence in the integrity, efficiency, and fairness of our state tax system. FTB Pub. 4058, California Taxpayers’ Bill of Rights, includes information on your rights as a California taxpayer, the Taxpayers’ Rights Advocate Program, and how you request written advice from the FTB on whether a particular transaction is taxable. See “Where To Get Income Tax Forms and Publications,” on this page.

Where to Get Tax Forms and Publications

By Internet – You can download, view, and print California tax forms and publications from our website at ftb.ca.gov.

By phone – You can order current year California Business Entity tax forms between 6 a.m. and 8 p.m. Monday through Friday. Call our automated phone service at the number listed above. Select “Business Entity Information,” then select “Forms and Publications.” Follow the recorded instructions and enter the 3-digit code, listed below, when prompted. To order prior year forms, call the number listed under “Assistance,” and select option five to speak with a representative.

Allow two weeks to receive your order. If your corporation’s mailing address is outside California, allow three weeks.

Code

- 817 – California Corporation Tax Forms and Instructions. This booklet includes: Form 100, California Corporation Franchise or Income Tax Return
- 814 – Form 109, California Exempt Organization Business Income Tax Return
- 815 – Form 199, Exempt Organization Return
- 818 – Form 100-ES, Corporation Estimated Tax
- 802 – FTB 3500, Exemption Application
- 831 – FTB 3500A, Submission of Exemption Request

In person – Many libraries now have internet access. A nominal fee may apply to download, view, and print California forms and publications.

Note: Employees at libraries and post offices cannot provide tax information or assistance.

By mail – Write to:

TAX FORMS REQUEST UNIT
FRANCHISE TAX BOARD
PO BOX 307
RANCHO CORDOVA CA 95741-0307

Assistance

Telephone assistance is available year-round from 7 a.m. until 6 p.m. Monday through Friday, except holidays.

Call from within the United States 800.852.5711
Call from outside the United States 916.845.6500 (not toll-free)

Assistance for persons with disabilities

We comply with the Americans with Disabilities Act. Persons with hearing or speech impairments please call:

From TTY/TDD 800.822.6268

Asistencia bilingüe en español

Asistencia telefónica esta disponible todo el año durante las 7 a.m. y las 6 p.m. lunes a viernes, excepto días festivos.

Dentro de los Estados Unidos,
llame al 800.852.5711
Fuera de los Estados Unidos,
llame al (cargos aplican) 916.845.6500

Sitio web: ftb.ca.gov

